

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HENRY W. SEGAR, *et al.*,

Plaintiffs,

V.

MERRICK GARLAND and

ANNE MILGRAM,

Defendants.

Civil Action No. 77-0081 (EGS)

**[PROPOSED] ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR
PROVISIONAL CLASS CERTIFICATION, PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT, AND PRELIMINARY APPROVAL OF NOTICE**

Upon consideration of plaintiffs' unopposed motion for (1) provisional class certification, (2) preliminary approval of settlement, and (3) preliminary approval of notice to the provisional class, it is hereby ORDERED that the motion is GRANTED.

With respect to class certification, it is further ORDERED that

1. Pursuant to Federal Rule of Civil Procedure 23(b)(3), the Court provisionally certifies a damages class of all current and former Black DEA agents who applied for one or more GS-14 or -15 level positions, made the Best Qualified List for at least one such position at any time between January 21, 1993, and May 2, 2022, and were not selected for one or more of those positions.
2. Lamont Johnson, Carlton Starling, Richard Hall, Jr., Sandra Smith, Ted Golden, Briane Grey, Marissa Lee, Robert Smith, and La Verne Matthews shall serve as representatives for the damages class.

3. Steven Cherry and Danial Volchok of the law firm Wilmer Cutler Pickering Hale and Dorr LLP shall serve as class counsel.

With respect to approval of settlement, it further ORDERED that

1. All terms and definitions used here have the same meanings as set forth in the Agreement.
2. The terms of the Agreement are hereby preliminarily approved as being within the range of fair, reasonable, and adequate settlements eligible for final approval such that notice should be given to the settlement class for their consideration.
3. If a class member is deceased, the rights and obligations of that member with respect to the Agreement shall apply to his or her estate.
4. A final fairness hearing shall be held by the Court on February 6, 2025, (ninety (90) days after the date of entry of this Order) to consider whether the proposed agreement should be approved as fair, reasonable, and adequate.
5. The fairness hearing may, from time to time and without further notice to class members (except those who have filed timely and valid objections), be continued or adjourned by Order of the Court.
6. No later than five (5) calendar days prior to the final fairness hearing the parties shall file with the Court their response to any timely-filed written objections to the Agreement.

With respect to preliminary notice to the provisional class, it is further ORDERED that

1. The Court finds that the method of providing notice to members of the settlement class (Preliminary Mot. § III) is reasonable and constitutes valid and sufficient notice to all settlement class members of their rights and obligations, complying fully with the

requirements of applicable law, including Rule 23 and the Federal Rules of Civil Procedure and the United States Constitution.

2. The proposed notice (Exhibit E), claim form, and sample questionnaire (Exhibit F) are reasonable and approved as to form.
3. Settlement Services, Inc. is approved to manage the distribution of notice and claim forms, receive opt-out requests and claim forms, and process payments to class members. SSI will open and administer an interest-bearing Qualified Settlement Fund account with a unique tax payer identification number (Agreement §III). Payment of the total sum of \$12,568,035.60 shall be in accordance with the allocation plan (Exhibit B).
4. SSI shall serve notice as set for in Section III of the motion for preliminary approval. Specifically, class members will have forty-five days from the date SSI mails the class notice to opt out the class or object to the settlement. Any opt-out request must be postmarked no later than forty-five (45) calendar days after the day on which SSI transmits a notice to a class member. A class member who does not properly submit an opt-out statement, as described in the proposed notice (Exhibit E), will be bound by this and any future orders concerning the proposed Agreement.
5. If a notice is returned as undeliverable: (a) SSI shall notify class counsel and defendants of the name whose Notice was returned as undeliverable; (b) SSI shall use appropriate databases to determine, to the best extent possible and using its discretion, the most likely current address for such individual; (c) class counsel and defendants may also engage in their own efforts to locate accurate contact information for such individuals and provide that information to SSI, the claims administrator; and (d) once updated contact

information is obtained, SSI shall re-disseminate the Notice using the updated information.

6. Within five (5) calendar days after the deadline for requesting exclusion from the class, SSI shall file with the Court and serve on counsel for all parties copies of any opt-out statements received, as well as a declaration stating that the required notice has been completed in accordance with the provisions of this Order.
7. The proposed notice sets forth the procedures by which class members may object to the proposed Agreement (Exhibit E at 9). Any objections must be filed with the Court and served on the parties no later than forty-five (45) calendar days after the day on which SSI transmits the notice to the class member. Any class member who does not comply with these requirements will be deemed to have waived any objections and will be barred from making objections to the proposed Agreement. A class member who has opted-out of the settlement class may not submit an objection.

With respect to the remaining procedural steps necessary for final review, the parties shall adhere to the following schedule:

Deadline for mailing of notice to class (notice period)	At least 60 days prior to final fairness hearing
Deadline for class members to opt out of the settlement	45 days after mailing of notice
Deadline for SSI to file opt out notifications with the Court	5 days after the deadline for opting out
Deadline for class members to file objections	45 days after mailing of notice

Deadline for filing motion for final approval of settlement, and to respond to any objections	5 days prior to final fairness hearing
Final Fairness Hearing	90 days after the Court preliminarily approves the settlement

SO ORDERED.

Dated: November 8, 2024

EMMET G. SULLIVAN
United States District Judge